

STATE BOARD OF EXAMINERS DKT. NO. 0910-209;
OAL DKT NO. EDE 10591-10
COMMISSIONER APPEAL NO. 6-9/12A

IN THE MATTER OF THE : COMMISSIONER OF EDUCATION
CERTIFICATES OF STEVE GALLON III : DECISION

Appellant challenges the determination of the New Jersey State Board of Examiners (Board of Examiners) that his action in signing a consent order – issued by the Middlesex County Superior Court – permanently barring his employment in New Jersey public schools or school systems, warranted the revocation of his school administrator certificates. The Commissioner will thus be guided by *N.J.A.C. 6A:4-4.1(a)*, which instructs that “[i]n determining appeals from decisions of the State Board of Examiners . . . , the Commissioner shall ascertain whether the decision is supported by sufficient credible evidence in the record and shall not disturb the decision unless the appellant has demonstrated that the Board . . . acted in a manner that was arbitrary, capricious or contrary to law.”

As to the requirement that the Board’s decision be grounded in sufficient credible evidence, there appears to be no room for dispute. The basis for the State Board of Examiners’ decision was the terms of a consent order which appellant signed. That order specified that appellant “will never seek nor accept employment in any New Jersey public school or public school system.” [Emphasis added.]¹ The consent order is in the record, and appellant does not deny executing it.

Nor does the Commissioner find arbitrary, capricious or contrary to law the Board’s conclusion that appellant’s agreement to refrain from serving in New Jersey public schools or school

¹ An unattributed handwritten sentence added to the consent order stated: “This shall not be construed to limit defendant’s ability to seek or obtain public employment in any other jurisdiction.” As New Jersey Superior Court has no authority over public employment in other jurisdictions, said handwritten addition to the consent order was superfluous.

systems, which agreement was a requirement in the disposition of criminal charges against appellant, constituted a reasonable basis for revoking appellant's school administrator certificates. To the contrary, the Board's action in revoking appellant's certificates formalizes the practical effect of the consent order.

An examination of appellant's papers reveals little of merit. He states that his execution of the consent order was simply to ensure that he could enter a pretrial intervention program, and was not an admission of any of the acts of which he was accused. He further asserts that he was not aware that signing the consent order could put his certificates at risk – a development that would carry “negative implications” that he never bargained for.

Notwithstanding what appellant may or may not have believed when he executed the consent order, the language of the order is unambiguous. It permanently bars appellant from employment in New Jersey schools or school districts. It is a mandate that outlives the pretrial intervention program or any other agreement into which he may have entered in connection with his indictment for actions alleged to have taken place during his employment in the Plainfield school district. Revocation of appellant's certificates is a logical consequence of that mandate.

In summary, the Commissioner is not persuaded that there is any basis to disturb the decision of the Board of Examiners to revoke appellant's certificates. Accordingly, it is affirmed for the reasons set forth therein, and the appeal is dismissed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: January 28, 2013

Date of Mailing: January 29, 2013

² Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Appellate Division of the Superior Court.